Rubenstein v. Frey Doc. 67 Att. 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE "A MILLION LITTLE PIECES" LITIGATION	No. 06-md-1771 Hon. Richard J. Holwell

AFFIRMATION OF THOMAS M. MULLANEY IN SUPPORT OF JOINT PETITION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF COSTS FILED BY THE LAW OFFICES OF THOMAS M. MULLANEY

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Thomas M. Mullaney, an attorney in good standing in the Southern District of New York, affirms the following under penalty of perjury:

1. I am the proprietor of The Law Offices of Thomas M. Mullaney. I am submitting this affirmation in support of my firm's application for an award of attorneys' fees in connection with services rendered in the above-entitled action ("The Action") and the reimbursement of expenses incurred by my firm in the course of this litigation. My firm acted as one of plaintiff's counsel in this class action, and as the Court-appointed liason counsel.

3. The letter attached as Exhibit A is a detailed summary indicating the amount of time spent by me, and the lodestar calculation based upon my current billing rates for the last calendar year. As reflected therein, my firm expended a total of 86 hours and 15 minutes on this litigation from the inception of the case to the present, with a total

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lodestar amount of no less than $34,500.[1] Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

4. My hourly rates included in Exhibit "A" are the same as the regular current rates I charge in non-contingent matters and/or which have been accepted and approved in other class action matters in this District.

5. The chart attached hereto as Exhibit "B" is my firm's itemization of un-reimbursed expenses incurred in the total amount of $1,237.05 in connection with the prosecution of this litigation.

6. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred in connection with the prosecution of the litigation.

7. With respect to the standing of counsel in this case, attached hereto as Exhibit "C" is a brief biography of my firm and attorneys in my firm who were principally involved in this litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 28th day of September, 2007.

Thomas M. Mullaney

[1] The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm, which are available for inspection upon request of the Court.

EXHIBIT "A"

IN RE "*A MILLION LITTLE PIECES*" LITIGATION 06-MD-1771

BILLING

FIRM NAME: The Law Offices of Thomas M. Mullaney

REPORTING PERIOD: January 1, 2006 through September 25, 2007

ATTORNEY NAME	TOTAL HOURS	HOURLY RATE	TOTAL LODESTAR
Thomas M. Mullaney	86.25	$400.00	$34,500
TOTAL		N/A	$

EXHIBIT "B"

IN RE "*A MILLION LITTLE PIECES*" LITIGATION 06-MD-1771

EXPENSES

FIRM NAME: The Law Office of Thomas M. Mullaney

REPORTING PERIOD: January 1, 2006 through September 25, 2007

TYPE OF EXPENSE	CUMULATIVE TOTAL
Computerized Legal Research (Westlaw, Lexis, Dialog, etc.)	$
Court Cost & Filing Fees	$ 445.00
Court Reporters & Transcripts	$
Photocopying	$
Postage, Messenger & Express Mail, FedEx	$
Professional Services (Experts, Investigators, etc.)	$
Telephone & Fax	$
Travel, Hotels, Meals	$ 792.05
Miscellaneous	$
TOTAL	$1,237.05

EXHIBIT "C"

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THE LAW OFFICES OF
THOMAS M. MULLANEY

New York Commercial Litigation Attorneys

The Law Office of Thomas M. Mullaney (the "Mullaney Firm") is a litigation boutique devoted to providing superior legal representation to a wide variety of clients in a wide variety of matters. Founded by Mr. Mullaney four years ago, the firm already enjoys terrific client relationships as well as a growing history of settlement and courtroom successes. Mr. Mullaney formerly practiced as a litigator at White & Case LLP, a venerable New York City-based international law firm that served many of the world's largest corporations in highly complex cases, handling disputes concerning domestic and cross-border business transactions, securities matters, intellectual property rights, and white-collar criminal defense. The practice of the Mullaney Firm remains the same, on a different geographical and physical scale, as does its commitment to practicing with the same skill and care one would expect at a white-shoe law firm.

The Mullaney Firm has handled federal and state cases, in New York, New Jersey and Connecticut, involving breaches of commercial and employment contracts, lender liability, commercial fraud and unfair competition, patent and copyright infringement, "piercing the corporate veil" and "alter ego" liability, and involuntary corporate dissolution, as well as securities arbitrations and criminal defense.

The Mullaney Firm affords its clients the highest quality of representation at rates that compare favorably with its competition and larger corporate firms. Finally, the Mullaney Firm is unequaled in its client responsiveness. In New York City, there is no other litigation practice that offers the same combination of price, experience, ability, effort and service.

Click here to read our Annual Report Letter.

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THE LAW OFFICES OF
THOMAS M. MULLANEY

Attorney Profiles

Thomas M. Mullaney

Education:
Tufts University, B.A., 1991
Boston College Law School, J.D., 1996

Honors:
Boston College Law Review, Member
Boston College Law School International Law Society, President

Publications:
Co-author: "Nazi Stolen Art," Whittier Law Review, Vol. 20, No. 1, Fall 1998

Admissions:
United States District Court, Southern and Eastern Districts of New York
Court of Appeals, District of Columbia Circuit

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March 1, 2006

Thomas M. Mullaney
708 Third Avenue
Suite 2500
New York, NY10017

Dear Tom:

After receiving last year's annual report letter, an old boss of mine said that I must be doing well, because my letters were not funny at all anymore. I vowed to maintain at least the appearance of prosperity and to diligently weed out humor wherever might seep in. I can also happily and independently report that last year was economically a good one too. Revenues in 2005 were just about the same as in 2004, which was good, all things being equal. As some of you know, however, my friend and sidekick of three years, Vin Filardo, went back into the fold of big-firm practice in June of 2005. Maintaining the same revenue with half of the people for half of the year was a very good outcome by my standards, although Vin is missed.

The financial good fortune of last year was largely due to the fact that 2005 was a great year for courtroom results. I won a trial in Federal Court in New York on behalf of a Mexican toy company that was seeking to collect a nearly seven-figure judgment from a toy distributor here in Manhattan. That distributor had closed its old doors and reopened new ones as a result of the judgment, and so a litigation was necessary to show that the new company was an alter ego of the old one, as were its affiliates in Hong Kong and Puerto Rico. That was proven, and the Court also found both the company owner and his wife in contempt of Court for secretly using undisclosed bank accounts to continue business here in New York, giving a basis for personal liability. I also wrestled a settlement out of a money-center bank for negligently allowing the "new" company to do business through an account there. While a significant part of the original judgment has been collected, some remains, and so I hope that the toy company at issue enjoys great success in the coming months and years.

Next, I took a case to trial in Federal Court out on Long Island at the end of last summer, in a bench trial before a new judge there. The trial went better than I had dared to dream, so much so that the defendant's chief executive complimented me at the end of the case, after he had elected to rest without taking the stand himself. We await a decision from the judge on the amount of damages in that case (in non-jury trials a judge will frequently ask for post-trial briefs on such issues, for you non-lawyers), and I am confident of a significant judgment.

Finally, I again received a little media attention last year from the so-called (by the N.Y. Post) "Squawk Box" case. Earlier in 2005 I had brought a case in Manhattan Federal Court on behalf of a large foreign investor who claimed to have been defrauded of a very large sum of money by a New York brokerage house. A few months later one of the individual defendants was also revealed to be a cooperating witness in a criminal case (known as a "rat" in certain circles) against some of his former co-workers (or conspirators). Consequently I had my annual fifteen minutes of fame as a few reporters were now curious about my case, which has some not-dissimilar allegations.

I am hopeful that I will be as fortunate in 2006 as in 2005, and that I will hear from you this year, if for no other reason than to hatch another scheme to get me quoted in the Post.

Sincerely,

Thomas M. Mullaney